

REMARKS

In the Office Action mailed April 3, 2008 the Office noted that claims 14-27 were pending and rejected claims 14-27. Claims 14, 18 and 27 have been amended, no claims have been canceled, claim 28 is new, and, thus, in view of the foregoing claims 14-28 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 102

Claims 14-27 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Araki, U.S. Patent Publication No. 2002/0110068. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

Araki discusses a recording apparatus capable of detecting an accurate tracking error even if a reflectance or a transmittance of respective information recording layers varies when information is recorded onto a multilayer optical information recording medium having a plurality of information recording layers.

Claim 14 has been amended to additionally recite, "the recording device recording the record information into the second recording layer after the recording device records the record information into the first recording layer, the record information being recorded from an inner circumferential side to

an outer circumferential side in the first recording layer and the record information being recorded from an outer circumferential side to an inner circumferential side in the second recording layer." Support may be found, for example, in Figs. 4 to 6; page 22, lines 6-10; and page 24, lines 4 and 5. The Applicants submit that no new matter has been added by the amendment of claim 14. The cited art of record fails to disclose the sequence of recoding into the layers; and the direction that the data is recorded in depending on the layer.

Claim 27 has been amended in a manner consistent with the amendment to claim 14. Therefore, for at least for the reasons discussed above, claims 14 and 27 and the claims dependent therefrom are not anticipated by Araki.

Claim 18 has been amended to recite "the predetermined width varies depending on a radial position of the information recording medium." Support for the amendment may be found, for example, on page 35, line 22 through page 36, line 16 of the Specification. The Applicants submit that no new matter has been added by the amendment of claim 18. The prior art fails to disclose such a feature.

Withdrawal of the rejections is respectfully requested.

NEW CLAIM

Claim 28 is new. Support for claim 28 may be found for example, on page 28, lines 9-24 of the Specification. The

Applicants submit that no new data has been added by the addition of claim 28. The prior art of record fails to disclose the recording device records control information into the unrecorded area after the recording of the record information into the second recording layer is ended.

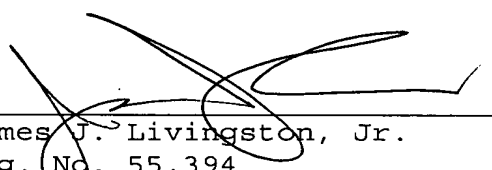
SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 102. It is also submitted that claims 14-28 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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